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**Office:** 105-13 Metropolitan Avenue Forest Hills, New York 11375

September 1, 2021

**VIA E-MAIL**

Levin-Epstein & Associates, P.C.  
Attn: Jason Mizrahi, Esq.  
60 East 42nd Street  
Suite 4700  
New York, NY 10165

*Re:* Rodea v. New York Diner, Inc., *et ano.*  
Case No.: 1:21-cv-217 (ERK) (SJB)  
Plaintiff's Response to Defendants' Deficiency Letter

Jason:

As you are aware, this office represents the Plaintiff Jose Eduardo Rodea (hereinafter "Plaintiff") in the above-referenced case. Plaintiff writes in response to your August 11, 2021 deficiency letter.

**I(A). Verification**

Plaintiff inadvertently failed to include a verification upon serving his responses. Plaintiff has signed the Verification page but has not sent it yet. I will send it over as soon as I receive the signed copy.

**I(B) & I(C). "Boiler-Plate Objections"**

Notwithstanding the general and specific objections to each interrogatory, Plaintiff is not in possession, custody, or control of any further responsive information, nor is Plaintiff withholding any responsive information based on the foregoing objections. Plaintiff does not agree to withdraw any such objections as the issue is moot.

**I(D). Objections as to Privilege**

Please see attached privilege log.

**I(E). Supplementation**

Plaintiff merely reserved the right to supplement responses should any additional information come to light as part of his continuing obligation to comply with discovery. Plaintiff's responses are otherwise complete.

Further, your deficiency letter refers to a different case, as this case was commenced on January 14, 2021, just seven months ago – not in November 2019, one year and four months ago, as you claim.

#### **II(A) and II(B). “Boiler-Plate” Objections**

Notwithstanding the general and specific objections to each request for the production of documents, Plaintiff is not in possession, custody, or control of any further responsive documents, nor is Plaintiff withholding any responsive documents based on the foregoing objections. Plaintiff does not agree to withdraw any such objections as the issue is moot.

#### **II(C). Objections as to Privilege**

Please see attached privilege log.

#### **II(D). Supplementation**

Plaintiff merely reserved the right to supplement responses should any additional documents are found as part of his continuing obligation to comply with discovery. Plaintiff's responses are otherwise complete.

#### **Conclusion**

Please let me know whether you nonetheless wish to meet and confer once more in the event you plan to seek relief from the Court notwithstanding this correspondence.

Dated: Forest Hills, New York  
September 1, 2021

Regards,

**SHALOM LAW, PLLC**

/s/ Jonathan Shalom  
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*Attorneys for Plaintiff*